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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,879	09/22/2006	Gunner Sie	66722-094-7	4183
25769 7590 05/26/2009 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005				
EXAMINER LE, HUYEN D				
ART UNIT		PAPER NUMBER		
2614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,879

Applicant(s)

SIE, GUNNER

Examiner

HUYEN D. LE

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 5 recites the limitation "the faceplate" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the face" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saltykov (U.S. patent 7,245,733) in view of Killion et al. (U.S. patent 6,151,399).

Regarding claim 1, Saltykov teaches a microphone which includes a casing (102) having a first face with an opening (132, 134, 136) therein (figures 1, 2), and an inlet structure comprising a sound duct between the opening and a gasket area (122, figures 1, 2), wherein the sound duct comprises a first part and a second part, the first part being adhered to the first face of the casing (102) and the second part being positioned adjacent the first part and comprises a resilient rim along the gasket area as claimed (figures 1, 2). As shown in figure 2, the gasket area (122) is shaped to extend around the opening (132, 134, 136) in the casing (102) and to follow the outline of the first face at least in the area near the opening (132, 134, 136) as claimed.

Saltykov does not specifically teach that the gasket (122) is a resilient rim as claimed. However, it is known in the art to provide a resilient material for the gasket in the microphone.

Killion et al. teaches a gasket (341, 342) made of resilient material (col. 11, lines 12-13) for sealing around the sound openings of the microphone assembly (315).

Therefore, it would have been obvious to one skilled in the art to provide the gasket (122) of Saltykov being made of resilient material, as taught by Killion, for better sealing around the sound openings in the surface (106) of the microphone assembly.

Regarding claim 2, as shown in figures 1 and 2, the sound duct (the sound duct between the opening and the gasket area 122) is shaped with a recess (the recess in the gasket 122, figure 2) above the opening in the first face.

Regarding claim 3, Saltykov teaches an acoustic filter (138) that is arranged in the sound duct as claimed.

Regarding claim 5, Saltykov teaches the sealing (the gasket 122) between a face plate to the sound duct. Saltykov does not specifically teach that the sealing (122) is provided by cement. However, providing an adhesive material to cement the gasket to the surface of the microphone is known in the art.

Killion teaches an adhesive material for the gasket (col. 11, lines 59-62).

Therefore, it would have been obvious to one skilled in the art to provide the adhesive material, as taught by Killion, to cement the gasket (122) to the surface of the microphone (102) for better sealing the gasket to the surface of the microphone.

Regarding claim 6, Saltykow shows the first part of the sound duct (figure 1) which is shaped to extend along a face (106) with the opening (132, 134, 136) and cover the face entirely, and the second part which is shaped to encompass a minor part of the face as claimed.

Regarding claim 8, as shown in figures 1 and 2, the gasket area (122) is shaped to provide a packing in a radial direction in relation to the sound duct as claimed.

Regarding claim 9, as shown in figures 1 and 2, the gasket area (122) is shaped to provide a packing in an axial direction in relation to the sound duct as claimed.

Response to Arguments

4. Applicant's arguments filed 12/19/08 have been fully considered but they are not persuasive.

Responding to the arguments about the first part and the second part of the sound duct, the examiner has explained in detail in the Office Action. As shown in figures 1 and 2, the sound duct in Saltykov comprises a first part and a second part, wherein the first part is adhered to the first face of the casing (102) and the second part is positioned adjacent the first part as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUYEN D. LE/
Primary Examiner, Art Unit 2614

HL
May 23, 2009

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